

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

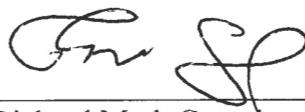
Robert Penfield,)
)
Plaintiff,) Civil Action No. 4:16-3342-RMG
)
vs.)
)
Nancy A. Berryhill, Acting Commissioner)
of Social Security,) **ORDER**
)
Defendant.)
)
)

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation (R & R) on August 18, 2017, recommending that the decision of the Commissioner be reversed and remanded to the agency because of the failure of the Administrative Law Judge to weigh the full opinion of Dr. Ruffing, a consulting examiner, and to address that fully considered opinion in light of the related opinion of Dr. Korn, another consulting examiner. (Dkt. No. 16 at 14-15). The Commissioner has advised the Court that she does not intend to file objections to the R & R. (Dkt. No. 18).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision

of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order. In light of the fact that this application for disability benefits has been pending for more than four years and a half years (Dkt. No. 9-2 at 12), the agency is directed to conduct another administrative hearing, if necessary, within 90 days of this order, to issue an order by the ALJ within 30 days thereafter, and to conduct any necessary Appeals Council review within 30 days thereafter.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
September 5, 2017